

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES HONORABLE,

Plaintiff,

Case No. 15-cv-10190

Hon. Matthew F. Leitman

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

**ORDER (1) ADOPTING REPORT AND RECOMMENDATION (ECF #16),
(2) GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
(ECF #12), (3) DENYING DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT (ECF #15), AND (4) REMANDING PLAINTIFF'S CLAIM
FOR BENEFITS FOR FURTHER PROCEEDINGS**

On November 19, 2015, Magistrate Judge Patricia T. Morris issued a Report and Recommendation ("R&R") recommending that the Court grant Plaintiff James Honorable's Motion for Summary Judgment (ECF #12) and deny the Defendant Commissioner of Social Security's Motion for Summary Judgment (ECF #15). (*See* R&R, ECF #16.) The Magistrate Judge further recommended that Plaintiff's claim for disability insurance benefits be remanded to the Commissioner of Social Security for further proceedings consistent with the R&R. (*See id.*) The R&R stated that the parties could object to and seek review of the recommendation within fourteen days. (*See id.* at 19-20, Pg. ID 590-591.)

Neither party has objected to the R&R. Failure to file objections to the R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the Magistrate Judge's R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Court has nevertheless reviewed the R&R and agrees with the findings and conclusions of the Magistrate Judge.

Therefore, **IT IS HEREBY ORDERED** that the Magistrate Judge's November 19, 2015, Report and Recommendation (ECF #16) is **ADOPTED** as the Opinion of this Court. **IT IS FURTHER ORDERED**, for the reasons stated in the R&R, that (1) Plaintiff's Motion for Summary Judgment (ECF #12) is **GRANTED**, (2) Defendant's Motion for Summary Judgment (ECF #15) is **DENIED**, and (3) Plaintiff's claim for benefits is **REMANDED** for further proceedings consistent with this Order and the Report and Recommendation.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: December 28, 2015

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 28, 2015, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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